IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2516 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 2516 of 1989

MR KB PUJARA for Petitioner No. 1

MR RJ OZA for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 27/07/2001

ORAL JUDGEMENT

1. Heard leaned Counsel Shri. K.B. Poojara for the petitioner. In this writ petition under Article 226 of the Constitution of India the petitioner has been seeking

direction requiring the respondent to appoint the petitioner to the post of Gujarati Stenographer, Craft Instructor in preference to any other candidates selected, after the selection in the year 1987.

2. The say of the petitioner is that the petitioner after passing S.S.C. examination has also passed various G.C.C. (Government Commercial Certificate) examination namely Gujarati shorthand i.e. with 60 words speed per minute, with 80 words speed per minute, with 90 words speed per minute and also Gujarati typing with 25 words speed per minute; that the respondent advertised for selection for appointment of Gujarati Stenographer as Craft Instructor in various Industrial Training Institute (I.T.I.) under the respondents; that the petitioner alongwith the other applicants applied for the said post; that the petitioner was not initially called for interview though qualified and eligible for the said post, but at the instance of the Secretary of the Labour Department, the petitioner was called for test/interview and was selected for the said post; that the petitioner was placed at Serial No.8 in the select list and the appointments were given to first seven candidates who were listed in the select list. As the petitioner did not get appointment, he made several representations but of no avail. Finally, the petitioner had to resort to the present petition for the redressal of his grievances i.e appointment to the post of Craft Instructor, Gujarati Stenographer.

3. From the above, it can be seen that the petitioner has been claiming his appointment as Craft Instructor, Gujarati Stenographer. On the basis of the selection, he was selected as Gujarati Stenographer, Craft Instructor and he was placed at serial no. 8 in the select list. Candidates at serial nos. 1 to 7 in the select list have been given appointments as Craft Instructor (Gujarati Stenographer). It need hardly be said that claim for appointment is never a legal right. If a person is selected for a particular post and if he is not appointed immediately and kept in the select list/waiting list then that by itself does not confer any legal right on the candidate, so selected. Claim for appointment not being a legal right, there is no question of attracting the provisions contained in Article 14 and 16 of the Constitution of India. This proposition is very fairly not disputed by the learned Counsel for the petitioner.

4. In the above view of the matter the present petition would be liable to be dismissed as there is no

legal right disclosed in favour of the petitioner. In the result the petition fails. Rule is discharged.

(N.G. NANDI,J.)

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